



**Court Services and Offender Supervision Agency  
for the District of Columbia**

# **POLICY STATEMENT**

Policy Statement 5800

Policy Area: Security

Effective Date: **MAY 14 2004**

Approved: *Paul A. Quander, Jr.*  
Paul A. Quander, Jr., Director

## **PERSONNEL SECURITY PROGRAM**

### **I. COVERAGE**

This Policy Statement applies to all employees, contractors, consultants, interns and volunteers for the Court Services and Offender Supervision Agency (CSOSA or Agency). Except for providing data to the semi-annual report, as outlined under Office of Security Responsibilities in Appendix B, this policy statement does not apply to the Pretrial Services Agency (PSA). Specific staff responsibilities under this Policy Statement are outlined in Appendix B.

### **II. BACKGROUND**

The head of each department or agency is responsible for establishing and maintaining an effective Personnel Security program to ensure that the employment and retention of any civilian officer or employee is clearly consistent with the interests of national security and the efficiency of the federal service.

### **III. POLICY**

- A. It is the policy of CSOSA to ensure that employment or continued employment with the Agency is based upon a background investigation process verifying that potential employees and employees are reliable, trustworthy, exhibit good conduct and character, and are loyal to the United States.
- B. Consistent with Federal guidelines, the Director, PSA, is delegated the authority for development and implementation of policies and procedures regarding the Personnel Security program for the PSA.
- C. Pursuant to Executive Order 12968 entitled "Access to Classified Information" the Director of Security is hereby designated as the Senior Agency Official to direct and administer the agency's personnel security program.

#### **IV. AUTHORITIES, SUPERSEDURES, REFERENCES AND ATTACHMENTS**

##### **A. Authorities:**

1. 5 C.F.R. 731, "Suitability Regulations"
2. 5 C.F.R. 732, "National Security Positions"
3. 5 C.F.R. 736, "Personnel Investigations"
4. Executive Order 10450, "Security Requirements for Government Employment"
5. Executive Order 12564, "Drug-Free Federal Workplace"
6. Executive Order 12968, "Access to Classified Information"
7. CSOSA Standards of Employee Conduct, August 30, 1999
8. CSOSA Policy Memorandum 2002-1, Equal Employment Opportunity Policy, January 7, 2003
9. The Controlled Substance Act, Title II, of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

##### **B. Supersedures:**

PS 5800, Personnel Security Program (5/28/2003)

##### **C. Procedural References:**

1. Human Resources Directive 731.1, Position Sensitivity Level Designations
2. Office of Security Operational Instruction 5800-1, Processing HIDTA Applicants

##### **D. Attachments:**

Appendix A – Definitions

Appendix B – Responsibilities

Appendix C – General Procedures

Appendix D – Position Sensitivity Chart

Appendix E – Adjudicative Guideline for Indebtedness

Appendix F – Adjudicative Guidelines for Criminal Conduct

Appendix G – Adjudicative Guidelines for Drug Involvement

Appendix H – Forms

## **APPENDIX A**

### **DEFINITIONS**

**Access National Agency Check with Inquiries (ANACI)** - An investigation consisting of a search of Office of Personnel Management's (OPM) Security and Suitability Investigations Index (SII), the Federal Bureau of Investigation's (FBI) Identification and Records Management Divisions and the Department of Defense's Clearance Investigations Index (DODCII). In addition, a credit bureau search will be conducted, citizenship verified and written inquiries, as well as record searches conducted covering specific areas of a person's background during the most recent five years.

**Adjudication** - An examination of a sufficient period of a person's past along with any presently known information in order to make an affirmative determination that a person is eligible for a position of national security or public trust.

**Applicant** - An individual being considered for general employment eligibility in a specific position.

**Certificate of Investigation (COI)** - The notification from the Office of Personnel Management indicating the completion of an individual's background investigation.

**Consultant** - An individual that agrees to furnish materials or perform services at a specified price.

**Contracting Officer's Technical Representative (COTR)** - An employee who technically monitors, directs and documents a contractor's performance and provides advice.

**Contractor** - See Consultant.

**Derogatory Information** - Information that indicates employment or continuing employment of an individual may not reasonably be expected to promote the efficiency of the service.

**Employee** - An individual who is employed to perform a job for the federal government under Title 5, United States Code.

**High Risk Position** - A Public Trust position that has the potential for exceptionally serious impact involving duties especially critical to the Agency or a major program.

**Indebtedness** - A lawful financial obligation that has been deemed to be a just debt.

**Intern** - A student or a recent graduate who is undergoing supervised training.

**Limited Background Investigation (LBI)** - An investigation consisting of a National Agency Check (NAC), citizenship verification, credit search, personal interviews of subject and sources and written inquiries of selected sources covering specific areas of a person's background during the most recent three years.

**Low Risk** - A Public Trust position that has the potential for limited impact on the Agency's mission or program responsibilities.

**Moderate Risk** - A Public Trust position that has the potential for moderate to serious impact or involving duties of considerable importance to the Agency or a major program.

**National Agency Check (NAC)** - An investigation consisting of searches of the following files: SII, DCII, and the FBI's Identification and Records Management Divisions.

**National Agency Check with Law and Credit (NACLC)** - An investigation consisting of a NAC, law enforcement checks and a credit check covering specific areas of a person's background during the most recent five years.

**National Security** - Activities that are directly related to national defense or foreign relations of the United States, including access to information classified for national security purposes.

**Official Personnel Folder (OPF)** - An OPF is established for every employee of the Federal Government beginning with his/her first appointment. The OPF provides the basic official source of factual data concerning Federal employment, including records and documents that significantly impact rights and benefits.

**Position Sensitivity Designation** - The designation of a position's risk level commensurate with the public trust responsibilities and attributes of the position as they relate to the efficiency of the Federal service. The suitability risk levels are ranked according to the degree of adverse impact on the efficiency of the Federal service that an individual could bring about.

**Pre-appointment Approval** - Approval of a preliminary background check.

**Preliminary Background Check** - A background check conducted prior to employment consisting of, but not limited to a credit check, criminal checks, completion of investigation forms, resolution of derogatory/inconsistent information and a drug test.

**Single Scope Background Investigation** - An investigation consisting of a NAC, birth records search, credit search, personal interviews of subject and sources, written inquiries and record searches covering specific areas of a person's background during the most recent 10 years.

**Stay-In-School** - See Intern.

**Temporary** - An appointment within CSOSA that is for one year or less.

**Volunteer** - A person who renders aid, performs a service, or assumes an obligation voluntarily.

**APPENDIX B**  
**RESPONSIBILITIES**

A. Office of Security:

1. Conduct and adjudicate a preliminary background check on each applicant (including employees, contractors, consultants, interns, volunteers and other individuals) prior to being employed.
2. Initiate an applicant pre-employment drug test and ensure that the results are received prior to granting a final employment security approval.
3. Notify the appropriate hiring authority [e.g., Office of Human Resources (OHR), Procurement] when an employment security approval has been made.
4. Ensure that a background investigation, the scope of which is determined by the designated position sensitivity level, is conducted and adjudicated for each new employee, contractor, consultant, volunteer, intern and other individuals who are employed with the Agency.
5. Ensure that a reinvestigation, the scope of which is determined by the designated position sensitivity level, is conducted and adjudicated for each individual remaining employed by the Agency within the time interval required for the reinvestigation.
6. Once an employee's investigation or reinvestigation has been completed and favorably adjudicated, ensure that a copy of the COI is placed into the individual's security file and that a copy is forwarded to OHR for enclosure in the individual's OPF. In addition, ensure that the Form 79A, Report of Agency Adjudicative Action on OPM Personnel Investigations, is completed and returned to OPM.
7. Maintain a system that provides a means to schedule and monitor the status of required background checks, investigations and reinvestigations, as well as the location of security files.
8. Prepare a semi-annual summary report for the Directors of CSOSA and PSA, which provides fundamental oversight information relating to the Personnel Security programs of both the CSOSA and PSA. The Director, Office of Security is responsible for collecting the data and submitting the report to the Associate Director, Management and Administration by April 15 and October 15 for reporting periods October 1 to March 30 and April 1 to September 30, respectively.

9. Ensure that each personnel security file is physically safeguarded to prevent inadvertent or unlawful disclosure.
10. Provide security education.

B. Office of Human Resources (OHR):

1. Assign each Agency position with the appropriate position sensitivity level.
2. Provide each applicant, temporary employee, intern, volunteer, stay-in-school or other individual that may be employed through OHR, with the necessary background investigation forms in order for a preliminary background check to be conducted.
3. Provide the Office of Security with a copy of each tentative offer letter sent to an applicant, ensuring that it contains the complete name, SSN, date of birth, place of birth, race, sex and associated position sensitivity level of the applicant. In addition, a copy of the Optional Form (OF) 612, Optional Application for Federal Employment or equivalent will be forwarded along with the offer letter, as this information will be used to conduct a preliminary background check.
4. Not permit an individual to enter on duty until employment security approval has been received from the Office of Security.
5. Ensure that a copy of the COI, which is provided by the Office of Security, is inserted into the individual's OPF.
6. Notify the Office of Security within 24 hours when an employee, intern, volunteer, stay-in-school or other individual employed through OHR has separated from the Agency.

C. Office of Procurement:

1. Provide each prospective contractor, consultant or other individual that may be employed through the Office of Procurement with the necessary background investigation forms so that a preliminary background check can be conducted.
2. Ensure that each prospective contractor, consultant or other individual returns the background investigation forms within the prescribed timeframe. Once the forms have been checked for completeness, they will be forwarded to the Office of Security.
3. Not permit an individual to enter on duty until employment security approval has been received from the Office of Security.



4. Notify the Office of Security within 24 hours when the services of a contractor, consultant or other individual have been terminated.

D. Community Supervision Services

1. Provide each prospective unpaid intern with the necessary background investigation forms so that a preliminary background check can be conducted.
2. Ensure that each prospective unpaid intern returns the background investigation forms within the prescribed timeframe. Once checked for completeness, the forms will be forwarded to the Office of Security.
3. Not permit an individual to enter-on-duty until employment security approval has been received from the Office of Security.
4. Notify the Office of Security within 24 hours when the services of an unpaid intern have been terminated.

E. Contracting Officer's Technical Representative (COTR) or Manager

1. Each COTR or Manager that is accountable for managing a contractor, consultant or other individual is also responsible, in consultation with the Office of Security, for designating the position sensitivity level for that position.
2. Ensure that the prospective contractor, consultant or other individual is provided with the necessary background investigation forms.
3. Ensure that each prospective contractor, consultant or other individual returns the background investigation forms within the prescribed timeframe. Once checked for completeness, the forms will be returned to the Office of Procurement, which will forward them on to the Office of Security.
4. Not permit an individual to enter on duty until employment security approval has been received from the Office of Security.
5. Notify the Office of Procurement within 24 hours of when the services of a contractor or consultant have been terminated.

F. Supervisors

Ensure that individuals under their authority understand and comply with the personnel security program policy.

G. Employees, Contractors, Consultants, Interns, Volunteers and Other Individuals

1. Ensure that completion of the background investigation forms is true and correct to the best of their knowledge. Also, make certain that the forms have been fully completed and returned as required.
2. Cooperate and provide all necessary information pertinent to the background investigation to the Office of Security, investigators, security officials or other official representatives in connection with a national security or public trust determination.
3. Be aware of the Agency standards of conduct and therefore recognize and avoid the kind of personal behavior that would result in rendering one ineligible for continued employment in a position of trust or national security.

## **APPENDIX C**

### **GENERAL PROCEDURES**

#### **A. Position Sensitivity**

1. OHR will designate a sensitivity level for each Agency position. These levels are determined by the potential for action or inaction by their incumbents that could affect the integrity, efficiency, or effectiveness of the Agency or national security. The sensitivity levels used within the Agency are as follows:
  - a. Special Sensitive – Positions that require access to Top Secret information.
  - b. Public Trust High – These positions have the potential for exceptionally serious impact involving duties especially critical to the agency or program mission.
  - c. Public Trust Moderate – These positions have the potential for moderate to serious impact involving duties of considerable importance to the agency or program mission.
  - d. Public Trust Low – These positions have the potential for limited impact involving duties in relation to the agency or a mission.
2. When OHR transmits a tentative offer letter to an applicant, a copy of the letter will be provided to the Office of Security, along with a copy of the OF 612 or equivalent. OHR will ensure the copy of the tentative offer letter reflects the complete name, SSN, date of birth, place of birth, race, sex and associated position sensitivity level of the applicant. This information will be used to conduct a preliminary background check on the individual.

#### **B. Preliminary Appointment Requirements**

In order for the Office of Security to begin the preliminary background investigation process, each individual must complete a background investigation package consisting of several forms. Appendix H outlines the background investigation forms that are currently utilized by the Agency. These forms can be obtained via the Agency intranet.

1. Applicant - When selected for employment, OHR will send each applicant a tentative offer letter. The offer letter advises the individual that he/she must complete a background investigation package consisting of the Standard Form (SF) 85P,

Questionnaire for Public Trust Positions (Note: A few positions, on a case-by-case basis, will be provided the SF 86, Questionnaire for National Security Positions); OF 306, Declaration for Federal Employment; CSOSA-SEC-0008, Agency Credit Release and two SF 87's, Fingerprint Charts. The applicant is generally provided 10 days to complete and return the forms to the Office of Security.

2. Contractor (1 year or less) - When an individual is selected for contractual employment, the Office of Procurement will complete the first page of the CSOSA-SEC-0010, Security Form for Temporary Contractors or Employees. The remaining two pages, as well as the CSOSA-SEC-0008, Agency Credit Release Form, are to be completed by the individual and returned, generally within 10 days, to the Office of Procurement. The Office of Procurement will review the forms for completeness and forward them to the Office of Security.
3. Contractor (1 year or more) - When an individual is selected for contractual employment, the Office of Procurement will have the individual complete a background investigation package consisting of the SF 85P, Questionnaire for Public Trust Positions; OF 306, Declaration for Federal Employment; CSOSA-SEC-0008, Agency Credit Release and two FD 258's, Fingerprint Charts. The individual is generally provided 10 days to complete and return the forms to the Office of Procurement. The Office of Procurement will review the forms for completeness and forward them to the Office of Security.
4. Intern, Volunteer, Stay-in-School or Student - When the individual is selected, OHR will complete the first page of the CSOSA-SEC-0010, Security Form for Temporary Contractors or Employees. The remaining two pages, as well as the CSOSA-SEC-0008, Agency Credit Release Form, are to be completed by the individual and returned, generally within 10 days, to OHR. OHR will review the forms for completeness and forward them to the Office of Security. When the position is for an unpaid intern, the hiring office is responsible for the actions that would normally be accomplished by OHR.

### **C. Preliminary Background Checks**

1. Prior to entering on duty, each individual selected for employment must undergo a preliminary background check. Once the Office of Security receives the background investigation package, the background check will be initiated. The check includes, but is not limited to the following:

- Review of forms submitted (e.g., SF 85P, OF 306)
  - Criminal records check (e.g., NCIC, WALES, SMART)
  - Credit check
  - OPM and Defense Security Service (DSS) database searches for prior investigations
  - Pre-employment Drug Test (applicants only)
  - An opportunity to resolve any questionable or derogatory information that may develop
2. Once the Office of Security has reviewed all available reliable information, a final adjudicative determination will be made and the responsible hiring authority will be notified.

#### **D. Background Investigations**

A background investigation will be initiated on each new employee as they enter on duty. Other individuals working for the Agency for more than one year will also have an initial background investigation initiated. In addition, a reinvestigation shall be initiated for each individual remaining employed by the Agency for the time interval required for the reinvestigation (See Appendix D).

1. Acceptance of Prior Investigations - When an individual has been the subject of a prior investigation, a copy of that investigation will be requested from the investigating agency. If the prior investigation is the same or equivalent as required for the intended position sensitivity level, as well as within the required timeframe (see Appendix D), the applicant will not be required to undergo an initial background investigation as outlined above, unless there has been a break in Federal service that exceeds two years. If there is any doubt as to the adequacy of the previous investigation, the Director, Office of Security, will make the final determination if the prior investigation is acceptable or if a new investigation must be initiated. The acceptance of a previous investigation does not negate the preliminary background check.
2. Initial Background Investigation - If an individual does not have a prior investigation, he or she will undergo an initial background investigation, which the Office of Security will initiate with the OPM. In most cases, the forms that were previously provided to the applicant, contractor or other individual for the preliminary background check, will be used to initiate the background investigation; however, should additional or updated forms be required, the individual will be notified.
3. Reinvestigation - Each individual occupying a Public Trust position will undergo a reinvestigation every seven years, while each individual occupying a National Security

position will undergo a reinvestigation every five years. The Office of Security will maintain a database of all individuals with their associated initial background investigations, as well as their most recent reinvestigations. When an individual is due for a reinvestigation, the Office of Security will prepare a background investigation package and forward it directly to the individual with instructions and blank forms for completion and a date when the forms are to be returned. At the same time, the individual's immediate supervisor will be notified of the requirement. When the forms are returned to the Office of Security, they will be checked for completeness and forwarded to OPM to initiate the reinvestigation.

### **E. Adjudication**

1. The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a position of national security or public trust. Each adjudication is to be an overall determination based upon consideration and assessment of all available information, both favorable and unfavorable, with particular emphasis being placed on the seriousness, recency, frequency and motivation for the individual's conduct; the extent to which conduct was negligent, willful, voluntary or undertaken with knowledge of the circumstances or consequences involved; and, to the extent that it can be estimated, the probability that conduct will or will not continue in the future.
2. The Agency does not discriminate on the basis of race, color, religion, gender, national origin, age, disability, or sexual orientation in the adjudication of investigations.
3. While reasonable consistency in reaching an adjudicative determination is desirable, the nature and complexities of human behavior preclude the development of a single set of guidelines or policies that is equally applicable in every personnel security case.
4. Should a questionable or derogatory issue be discovered during the adjudicative process, the individual will be given the opportunity to address the issue. The process of resolving questionable or derogatory information will afford each individual an opportunity to comment on or provide information that refutes or mitigates such information. This resolution process is not intended to be a punitive action against an individual, nor does it indicate that the Agency is taking adverse action against the individual. Rather it is the opportunity for an individual to comment on, and to provide documentation to refute, clarify or mitigate the questionable or derogatory information. Should the adjudicator be unable to resolve an issue through discussion with the employee, a document that lists all applicable questions will be prepared and provided to the individual, who will be required to submit a written reply to each question. Any documentation generated as a result of this procedure will be placed into the security file. A copy of the certificate of investigation will be provided, upon request.

5. The three most frequently encountered types of negative information are criminal history, drug abuse and and certain types of indebtedness.
  - a. A pattern of criminal conduct indicates an individual may be inclined to break rules and creates doubt about a person's judgment, honesty, reliability and trustworthiness. Appendix F contains the Agency's guidelines on criminal conduct.
  - b. Drug abuse is the use of an illegal drug or illegal use of a legal drug as set forth in the Controlled Substances Act and/or Executive Order 12564. Drug abuse indicates unwillingness or inability to abide by the law, weakens judgment and may reflect a tendency toward irresponsible or high-risk behavior, as well as may impair a person's ability to perform his/her job. Appendix G contains the Agency's guidelines on drug involvement and/or use.
  - c. Persons may encounter financial problems for many reasons (e.g., loss of employment, unexpected medical emergency, death, divorce or separation). Federal and Agency standards of conduct require employees to pay their just financial debts. Overdue debts may increase temptation to commit illegal or unethical acts as a means of gaining funds to meet financial obligations; however, most people with financial difficulties are not inclined to commit illegal acts. Appendix E contains the Agency's guidelines for indebtedness.
6. At each Appendix listed above, the "Conditions that may cause concern" are some of the types of conduct that could justify a determination to deny or revoke an individual's eligibility for access to classified information, or appointment to or retention in a public trust position. The "Conditions that could mitigate the concerns" are some of the types of circumstances that may mitigate the conduct previously listed.
7. Other information that may be considered negative includes, but is not limited to:
  - a. misconduct or negligence in prior employment which may have resulted in the individual leaving prior employment, written sanctions, written reprimands, suspensions, terminations;
  - b. intentional false statements, deception or fraud and knowing and/or willful engagement in acts or activities designed to overthrow the U.S. Government by force.

8. When a background investigation or reinvestigation is favorably adjudicated, a COI will be signed and dated by the adjudicator. The original COI is placed in the individual's security file and a copy is provided to the OHR for placement in the individual's OPF.
9. If an adjudicator finds there is a reasonable expectation that an individual's employment or continued employment would not promote the efficiency of the service, the investigation, along with the adjudicator's written recommendation and rationale is brought to the attention of the Director, Office of Security, who will review the relevant information. If, after review and analysis, the Director, Office of Security favorably adjudicates the case, it will be processed as noted in item 8 above. Should the Director, Office of Security concur with the adjudicator's initial finding, the documentation will be forwarded to the Associate Director, Management and Administration (M&A) for evaluation and final determination. If, after review and analysis, the Associate Director, M&A, recommends favorable adjudication of the case, it will be processed as noted in item 8 above. If the Associate Director, M&A, is in agreement with the original finding, the recommendation will be forwarded to the Associate Director, OHR, and a copy placed in the individual's security file.

#### **F. Waivers**

1. Should a senior manager believe that a delay in hiring an applicant, contractor or other individual would impede the mission of the Agency, an e-mail or written request for waiver, deferring the preliminary background check, shall be submitted to the Office of Security. The request must include the prospective individual's complete name, SSN, date of birth, place of birth, race and sex, as well as the compelling justification for the waiver. Once a favorable criminal check has been acknowledged, the senior manager will be notified of the authorization to allow the individual to report to duty. The individual will then have five days to complete the appropriate security paperwork in order for the remaining portions of the preliminary background check to be completed.
2. Waivers to pre-employment drug tests for applicants will not be granted.

#### **G. Transfer Within CSOSA**

Should an employee transfer within the Agency be contemplated, OHR must notify the Office of Security. The Office of Security will ensure that the appropriate investigation (based on the position sensitivity level of the contemplated position) has been initiated or completed. OHR will not authorize the transfer of an employee to a more sensitive position until the investigative requirements for that position have been initiated. Employees reassigned to positions with an equal or lower position sensitivity level will not require a new investigation.



#### **H. Re-appointment of Employees, Contractors, Volunteers and Other Individuals**

An individual who previously worked for CSOSA may be reappointed without any additional background checks or a pre-employment drug test, if the break in service is 30 days or less and the reason for termination does not reflect adversely on their eligibility for reemployment. However, prior to appointment, the individual will be required to update previously completed investigation forms.

#### **I. National Security Positions**

The Director, Office of Security, designates national security positions. Subsequent to the appropriate background investigation and favorable adjudication, as well as the granting of the security clearance, individuals employed in these special sensitive positions are authorized to access national security information up to and including Top Secret.

#### **J. Budgeting for Investigations and Reinvestigations**

Each fiscal year, generally during the fourth quarter, the Office of Security will coordinate with OHR and the Office of Procurement, as well as review the number of investigations and reinvestigations that had been initiated to the OPM during the year, to determine an estimate of the number of investigations and reinvestigations that could be initiated during the following fiscal year. Once the investigation estimates have been formulated, the Office of Security determines the total estimated cost by applying the current OPM investigation costs. This total estimated cost is then included in the overall budget request of the Office of Security.

#### **K. Safeguarding Background Investigations**

Reports of background checks and investigations are not part of the OPF, but are maintained in separate security files that are retained by the Office of Security. Access to these files is limited to those individuals with assigned responsibilities for review and maintenance. Unless there is work being done within a security file or it is being reviewed by an authorized user, the security file is physically safeguarded at all times to prevent inadvertent or unlawful disclosure. Access to or discussion of an investigative file will be limited to only those individuals with an official need to know. In order for another Agency's

representative to review an individual's security file, that representative will be required to provide an official picture identification, as well as a release authorization signed by the individual, prior to reviewing the file.

## APPENDIX D

### POSITION SENSITIVITY CHART

<u>Position Sensitivity Level with Numerical Designation</u>	<u>Type of Background Investigation Required</u>	<u>Type of Reinvestigation Required</u>	<u>Reinvestigation Timeframe</u>
National Security Special Sensitive (4) (Top Secret & Sensitive Compartmented Information)	Single Scope (SSBI)	SSBI-Periodic Review (PR)	5 Years
National Security Critical Sensitive (3) (Secret)	Access National Agency Check with Inquires (ANACI)	National Agency Check with Law and Credit (NACLC)	5 Years
National Security Non-critical Sensitive (2) (Confidential)	ANACI	NACLC	5 Years
Public Trust High Risk (6)	SSBI	SSBI-PR	7 Years
Public Trust Moderate Risk (5)	Limited (LBI)	NACLC	7 Years
Public Trust Low Risk (1)	National Agency Check and Inquiries (NACI)	NACI	7 Years

## **APPENDIX E**

### **ADJUDICATIVE GUIDELINES FOR INDEBTEDNESS**

- A. Overdue debts increase temptation to commit illegal or unethical acts as a means of gaining funds to meet financial obligations. Many persons encounter financial problems through no fault of their own. For others, financial problems appear to be part of a general tendency toward carelessness and irresponsibility that may pose a security concern. From a security perspective, the cause of debt and how one plans to deal with his/her financial obligations are more significant than the amount of debt.
- B. There are no rules or regulations defining debt thresholds; however, the Office of Security will use the following base guidelines:
  - 1. Conditions that may cause concern:
    - a. History of not meeting financial obligations;
    - b. Deceptive or illegal financial practices (i.e., embezzlement, theft, check fraud, income tax evasion, etc.); or
    - c. Unwillingness to satisfy debts.
    - d. Inability to satisfy debts.
  - 2. Conditions that could mitigate the concerns:
    - a. Behavior was not recent;
    - b. Isolated incident;
    - c. Condition was largely beyond the individual's control (e.g., loss of employment, unexpected medical emergency, death, divorce);
    - d. The individual received counseling and the problem is resolved or under control; or
    - e. The individual has made a good faith effort to repay outstanding creditors or otherwise resolved the debts.

3. Court imposed judgments, defaulted student loans, and other financial obligations imposed by law (e.g., child support payments or Federal, State, or local taxes) must be addressed and resolved before an affirmative adjudicative determination can be made regardless of the dollar amount. Resolution must include current proof of payment or payment arrangements on the creditors letterhead.
4. The following will apply to any one or combined delinquent debt:
  - a. \$2,499.99 or less - The individual will be notified, provided the debt information and advised that the debt should be satisfied or payment arrangements established with the creditor.
  - b. \$2,500.00 and over - The individual will be notified and provided the debt information, including the creditor's name and telephone number. The Office of Security will require either current proof of payment or established payment arrangements on the creditor's letterhead.
5. Any individual who fails to list delinquent accounts on his/her investigation forms will be required to submit a written statement indicating the reasons and/or intent for the omission.

## **APPENDIX F**

### **ADJUDICATIVE GUIDELINES FOR CRIMINAL CONDUCT**

- A. A history or pattern of criminal activity creates doubt about a person's judgment, honesty, reliability and trustworthiness. A history of illegal behavior indicates an individual may be inclined to break rules. Willingness to abide by rules is an essential qualification for a position of public trust or for access to national security information.
- B. There are no rules or regulations that direct when to render a favorable or unfavorable determination based on past criminal conduct; however, the Office of Security will use the following guidelines:
  - 1. Conditions that may cause concern:
    - a. A serious crime (e.g., felony, violation of parole or probation) or multiple lesser offenses;
    - b. Close continuing voluntary association with persons known to be involved in criminal activity; and/or
    - c. A pattern of criminal activity.
  - 2. Conditions that could mitigate the concerns:
    - a. Behavior was not recent;
    - b. The activity was an isolated incident;
    - c. The activity was the result of coercion;
    - d. Acquittal
    - e. Evidence of successful rehabilitation; or
    - f. The nature and frequency of the offense.
  - 3. As a general rule, any criminal activity must be addressed and resolved before an affirmative adjudicative determination can be made.

4. If an individual fails to list an arrest as required on the investigation form, and a record of arrest is subsequently discovered, a decision not to hire may be made unless justifiable circumstances are established.

## **APPENDIX G**

### **ADJUDICATIVE GUIDELINES FOR DRUG INVOLVEMENT AND /OR USE**

- A. Drug abuse is the use of an illegal drug or illegal use of a legal drug as set forth in the Controlled Substances Act and/or Executive Order 12564.
- B. Executive Order 12564, Drug Free Federal Workplace, dated September 15, 1986, established the Federal Government as a drug-free workplace. It states, “persons who use illegal drugs are not suitable for Federal employment.” The use of illegal drugs by Federal employees, whether on or off duty, is contrary to the efficiency of the service.
- C. Illegal involvement with drugs raises questions regarding an individual’s willingness or ability to perform his or her duties and indicates an unwillingness or inability to abide by the law. The involvement with illegal drugs by Federal employees, whether on or off duty, is contrary to the efficiency of the service.
- D. There are no laws or regulations that direct when to render a favorable or unfavorable determination based on past drug involvement; however, the Office of Security will use the following guidelines:
  - 1. Conditions that may cause concern:
    - a. Illegal drug use;
    - b. Illegal drug possession, including cultivation, processing, manufacture, purchase, sale or distribution;
    - c. Diagnosis by a medical professional (e.g., physician, clinical psychologist or psychiatrist) of drug abuse or drug dependence; or
    - d. Failure to successfully complete a drug treatment program.
  - 2. Conditions that could mitigate the concerns:
    - a. The drug involvement was not recent;
    - b. The drug involvement was an isolated event; or
    - c. Satisfactory completion of a prescribed drug treatment program.



3. As a general rule, any drug abuse must be addressed and resolved before an affirmative adjudicative determination can be made.
4. If an individual fails to disclose drug involvement within the required timeframe indicated on a security form, and a record of drug involvement is discovered, a decision not to hire the applicant may be made, unless there are justifying circumstances established.

## **APPENDIX H**

### **FORMS**

The following forms may be obtained at the CSOSA web site, the Office of Human Resources at (202) 220-5600 or the Office of Security at (202) 220-5750:

- 1 - FD 258, Fingerprint Chart (used for contractors, consultants, etc.)  
(NOTE: This form can only be obtained from the Office of Security)
- 2 - Optional Form 306, Declaration for Federal Employment
- 3 - Optional Form 612, Optional Application for Federal Employment
- 4 - CSOSA-SEC-0008, Agency Credit Release Form
- 5 - CSOSA-SEC-0010, Security Form for Temporary Contractors or Employees
- 6 - Standard Form 85P, Questionnaire for Public Trust Positions
- 7 - Standard Form 86, Questionnaire for National Security Positions
- 8 - Standard Form 87, Fingerprint Chart (used for applicants and employees).  
(NOTE: This form can only be obtained from the OHR or the Office of Security)